

Message Text

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 AGRE-00 TRSY-02 STRE-00
AID-05 CEA-01 CIAE-00 COME-00 EB-08 FRB-03 INR-10
NSAE-00 SP-02 STR-07 LAB-04 SIL-01 OMB-01 SS-15
NSC-05 ITC-01 L-03 /094 W
-----086299 061835Z /41

R 061734Z JUN 78
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 7084
INFO ALL EC CAPITALS
USMISSION GENEVA

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USEEC

PASS AGRICULTURE, COMMERCE, TREASURY BATF, AND STR
ELECTRONICALLY
PARIS ALSO FOR USOECD
GENEVA ALSO FOR USMTN

E.O. 11652: N/A
TAGS: EAGR, EEC
SUBJ: EC DIRECTIVE ON STANDARDS OF FILL FOR BEER
CONTAINERS

REF: (A) 75 EC A-080; (B) 77 EC A-418; (C) 77 STATE
186807; (D) STATE 75963; (E) BRUSSELS 8746

1. SUMMARY: REPRESENTATIVE OF U.S. BREWERS' ASSOCIATION
AND MISSION OFFICER MET WITH COMMISSION OFFICIAL TO DIS-
CUSS PROSPECT OF INCLUDING U.S. 12 OUNCE BEER CONTAINER
SIZE IN EC LIST OF PERMANENTLY APPROVED VOLUMES. WHILE
NO APPARENT PROGRESS MADE ON THIS FRONT, POSSIBILITY
SURFACED DURING DISCUSSION OF EXTENDING THE EC TRANSITION
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PERIOD FOR THE 12 OUNCE BEER CAN SIZE IF U.S. WOULD BE
PREPARED AT SOME FUTURE DATE TO METRICATE ITS MALT
BEVERAGE CONTAINERS. SUGGEST WASHINGTON STUDY FEASIBILITY
OF THIS APPROACH. END SUMMARY.

2. MR. ALLAN RUBIN, EXECUTIVE VICE-PRESIDENT OF THE U.S.
BREWERS' ASSOCIATION, AND MISSION OFFICER MET WITH JACQUES

FAURE, CHIEF ADVISOR IN THE COMMISSION'S DIRECTORATE GENERAL FOR INTERNAL MARKET AND INDUSTRIAL AFFAIRS DEALING WITH THE HARMONIZATION OF EC PACKAGING LEGISLATION. THE PRIMARY PURPOSE OF THE VISIT WAS TO DISCUSS COMMISSION THINKING REGARDING COUNCIL DIRECTIVE NO. 106/75 (REF A) AND THE PROPOSED COMMISSION AMENDMENT TO THIS DIRECTIVE SUBMITTED TO THE COUNCIL IN OCTOBER 1977 (REF B). THIS DIRECTIVE AND ITS PROPOSED AMENDMENT PRESCRIBE THE VOLUMES OF PRE-PACKAGED LIQUIDS TO BE PERMITTED FREE CIRCULATION IN INTRA-COMMUNITY TRADE, EITHER PERMANENTLY OR FOR A TRANSITION PERIOD.

3. THE 10 AND 12 OUNCE BEER CAN SIZES (.30 AND .35 LITER VOLUMES, RESPECTIVELY) HAVE BEEN PLACED IN CATEGORY 2 BY THE 106/75 DIRECTIVE AND THUS MIGHT NOT BE ACCEPTED BY MEMBER STATES AFTER 1980. THE PROPOSED AMENDMENT AS SUBMITTED TO THE COUNCIL DOES NOTHING TO ALTER THE SITUATION. THE MISSION HAS BROUGHT THIS MATTER TO THE ATTENTION OF THE COMMISSION ON SEVERAL OCCASIONS (REFS C AND D) BUT THUS FAR TO NO AVAIL.

4. RUBIN STRESSED THE IMPORTANCE OF THE 12 OUNCE SIZE FOR U.S. MALT BEER MANUFACTURERS AS WELL AS ITS IMPORTANCE IN INTERNATIONAL TRADE. HE SAID THAT BECAUSE OF THE TREMENDOUS VOLUME IN CIRCULATION WITHIN THE UNITED STATES (RETURNABLE BOTTLES PARTICULARLY), IT WOULD NOT BE LIMITED OFFICIAL USE

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ECONOMICALLY FEASIBLE FOR THE U.S. INDUSTRY TO ADOPT ONE OF THE SIZES ACCEPTABLE TO THE EC IN ORDER THAT CONTINUED ACCESS OF ITS PRODUCT BE ASSURED WITHIN THE COMMUNITY. WHILE U.S. EXPORTS OF BEER TO THE COMMUNITY ARE RELATIVELY SMALL, THE INDUSTRY VIEWS THE EC DIRECTIVE AS A POTENTIAL NON-TARIFF BARRIER WHICH COULD AFFECT FUTURE U.S. EXPORTS TO THE COMMUNITY. FAURE APPEARED TO BE SYMPATHETIC TO THE PROBLEM AS OUTLINED BY RUBIN BUT REPEATED HIS PREVIOUS ARGUMENT THAT THE BASIC CHARGE GIVEN THE COMMISSION BY THE COUNCIL HAD BEEN TO REDUCE THE NUMBER OF VOLUMES CIRCULATING IN INTRA-COMMUNITY TRADE, PARTICULARLY THOSE VOLUMES OF THE SAME PRODUCT WHICH WERE VERY CLOSE TO EACH OTHER AND WHICH COULD CONSEQUENTLY CONFUSE OR MISLEAD THE CONSUMER. HE SAID THAT HIS PROPOSALS TO THE COUNCIL HAD THEREFORE REFLECTED THIS DESIRE. FAURE STRESSED, HOWEVER, THAT IF SUFFICIENT INTEREST COULD BE FOUND AMONG THE VARIOUS MEMBER STATES TO SUPPORT THE U.S. REQUEST TO HAVE THE 10 AND PARTICULARLY THE 12 OUNCE VOLUMES INCLUDED IN CATEGORY 1, HE WOULD BE DISPOSED TO FOLLOW THAT COURSE OF ACTION. HE REPEATED, HOWEVER, THAT HE HAS NOT FOUND SUCH SUPPORT AMONG MEMBER STATES AND CANNOT THEREFORE FIND A BASIS FOR REQUESTING A TRANSFER OF THESE SIZES FROM

CATEGORY 2 TO CATEGORY 1.

5. RUBIN SUBSEQUENTLY RAISED THE POINT THAT THERE ARE CURRENTLY EFFORTS BEING MADE IN THE U.S. TO METRICATE MALT BEVERAGE CONTAINERS. HE SAID THAT THE VOLUMES PROPOSED BY THE BUREAU OF ALCOHOL TOBACCO AND FIREARMS CLOSELY PARALLEL THOSE PUT FORTH BY THE EC, WITH THE EXCEPTION THAT THE U.S. LIST OF PROPOSED SIZES ALSO INCLUDES THE 35 MILLILITER (12 OUNCE) SIZE. MR. RUBIN ADDED THAT U.S. BREWERS CURRENTLY OPPOSE METRICATION OF MALT BEVERAGE CONTAINERS, MOSTLY FOR ECONOMIC REASONS BUT CONCEDED THAT EVENTUAL METRICATION IN THE MALT BEVERAGE AREA WAS LIKELY.

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INFO OCT-01 IO-13 ISO-00 AGRE-00 TRSY-02 STRE-00
AID-05 CEA-01 CIAE-00 COME-00 EB-08 FRB-03 INR-10
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USEEC

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6. DRAWING FROM A CONVERSATION HE HAD WITH OFFICIALS OF THE COMMON MARKET BREWING ASSOCIATION (CBMA), RUBIN ASKED FOR FAURE'S THINKING REGARDING THE POSSIBILITY OF POSTPONING THE DECEMBER 31, 1980 DATE FOR MANDATORY ACCEPTANCE OF THE 12 OUNCE CONTAINER UNTIL SUCH TIME AS THE U.S. HAD AN OPPORTUNITY TO MORE CLEARLY FORMALIZE ITS POLICY WITH REGARD TO METRICATION OF MALT BEVERAGE CONTAINERS. FAURE SEEMED TO FEEL THIS COULD BE A POSSIBLE ALTERNATIVE SOLUTION TO THE U.S. BEER CAN PROBLEM, BUT

WONDERED JUST HOW HE MIGHT PRESENT SUCH A PROPOSITION TO THE MEMBER STATES AT THIS STAGE. FAURE SAID THAT HE COULD INTRODUCE THIS IDEA TO THE FIRST COUNCIL WORKING GROUP SESSION EXAMINING THE PROPOSED AMENDMENT TO DIRECTIVE 106/75 IF HE HAD IN HAND LETTERS FROM BOTH THE CBMA AND THE U.S. GOVERNMENT. THE U.S. LETTER WOULD NEED TO SPELL OUT U.S. INTENTIONS REGARDING METRICATION OF MALT LIMITED OFFICIAL USE

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BEVERAGE CONTAINERS INCLUDING THE POTENTIAL TIMEFRAME FOR SUCH A DEVELOPMENT. THE LETTER FROM THE CMBA WOULD SUPPORT THE U.S. REQUEST FOR A POSTPONEMENT OF THE DECEMBER 31, 1980 DEADLINE FOR MANDATORY ACCEPTANCE OF THE .35 LITER SIZE.

7. ACTION REQUESTED: SUGGEST THAT WASHINGTON STUDY FEASIBILITY OF THIS OPTION IN LIGHT OF U.S. PLANS RE METRICATION. ANY EVENTUAL ACTION TO OBTAIN CMBA LETTER SHOULD BE COORDINATED WITH U.S. BREWERS' ASSOCIATION. HINTON

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